



MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Violet Varona-Lukens, Executive Officer
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

County Counsel
Fire Chief
Director of Health Services
Director of Planning
Director of Public Works

At its meeting held January 20, 2004, the Board took the following action:

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The following item was called up for consideration:

Supervisor Yaroslavsky's recommendation to instruct the Directors of Health Services and Public Works, the Fire Chief, Director of Planning and County Counsel to report back to the Board within 30 days on a joint policy concerning hauled water, including consideration of hauled water's implications for public health, fire safety and orderly development; and include the following information in the report:

Procedures to ensure consistent enforcement of the joint policy by all involved departments, with procedures to clarify that hauled water may only be used during construction, and include provisions for enforcement of this policy once construction is complete;

Recommendations to exempt existing residences utilizing hauled water from this requirement as is consistent with the Health Department's water availability policy dated January 1, 2003; and

Recommendations for any amendments to the Health and Safety, Fire, Building or Zoning Codes necessary to ensure that all departments are acting in a consistent manner.

Merritt Holloway addressed the Board.

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Later in the meeting, the following statement was entered into the record for Supervisor Yaroslavsky:

“Last July, representatives from the Department of Health Services came before this Board to report on the Department’s policy regarding the use of ‘hailed’ water to service new development. The Department was asked to reconsider its policy of denying new development if it can only be served by hauled water. In October 2003, the Department of Health Services provided a written report to the Board advising that reconsideration of its policy was not warranted.

“Occasionally the County has permitted use of hauled water to serve properties while they are under construction. It has just come to my attention that a number of homes in the Third District are being permanently served by hauled water, even though the use of hauled water was only permitted for the construction period. The water supplier is actually purchasing the water from Waterworks District 29. It is clear that there has been a great deal of miscommunication between the Departments of Health Services, Public Works, Fire and Regional Planning on this issue. The use of hauled water is not only a public health issue, but one with greater land use and public safety implications as well.”

Therefore, Supervisor Yaroslavsky made a motion that the Board take the following actions:

1. Instruct the Directors of Health Services, Public Works and Planning, the Fire Chief and County Counsel to report back to the Board within 30 days on a joint policy concerning hauled water, including consideration of hauled water's implications for public health, fire safety and orderly development;
2. Include in the report procedures to ensure consistent enforcement of the joint policy by all involved departments. These procedures to clarify that hauled water may only be used during construction, and include provisions for enforcement of this policy once construction is complete;

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3. Include in the report recommendations to exempt existing residences utilizing hauled water from this requirement as is consistent with the Health Department's water availability policy dated January 1, 2003; and
4. Include in the report recommendations for any amendments to the Health and Safety, Fire, Building or Zoning Codes necessary to ensure that all departments are acting in a consistent manner.

Dr. Jonathan E. Fielding, Director of Public Health, John F. Schunhoff, Ph.D., Chief of Operations, Public Health Programs and Services, Department of Health Services Arturo Aguirre, Director of Environmental Health, Department of Health Services, and Thomas W. Hoagland, Assistant Deputy Director, Department of Public Works addressed the Board.

Supervisor Antonovich made the following statement:

"On July 23, 2003, the Board of Supervisors unanimously approved my motion calling for the reconsideration of County policy concerning the use of hauled water for proposed development. At my request, County staff conducted public hearings in Lancaster and Acton concerning hauled water. More than six hundred people attended these hearings to voice their concerns.

"On January 1, 2003, the Health Department enacted a hauled water policy with little or no advance public notice. As evidenced by the attendance at public hearings, and the thousands of letters, e-mails, and telephone calls to County departments and Fifth District offices, there is tremendous public concern about this policy.

"By directing staff toward a specific outcome, Supervisor Yaroslavsky's proposed motion compromises the ongoing efforts of various County departments to reach a comprehensive solution on the hauled water issue. Approval of the motion creates another County directive that fundamentally ignores community input.

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“Given the public outcry, it is evident that the staff of various County departments need to work more closely to coordinate the County’s implementation of a hauled water policy. The essence of Supervisor Yaroslavsky’s proposed motion addresses this issue and it should serve to advance the staff and public discussions in a positive way. Approval of Supervisor Yaroslavsky’s motion, with this amendment, furthers the intent of the original motion while ensuring adequate coordination amongst various County departmental representatives and ensures adequate public input and notice.”

Therefore, Supervisor Antonovich made a suggestion that Supervisor Yaroslavsky’s motion be amended as follows:

1. Revise recommendation number two to read:

Include in the report procedures to ensure consistent enforcement of the joint policy by all involved departments;
and

2. Add an additional recommendation to read:

The Department of Health Services, working with representatives of the Departments of Regional Planning, Public Works, Fire, and the County Counsel to conduct at least two community meetings to discuss any proposed changes to the County’s hauled water policy, with the Department of Health Services to provide advance written notice to the general public a minimum of fifteen days in advance of these hearings.

Supervisor Yaroslavsky accepted Supervisor Antonovich’s amendment to add the additional recommendation, but suggested that Supervisor Antonovich’s amendment to his number two be brought in as a separate item at next week’s meeting.

Supervisor Yaroslavsky’s motion, as amended to add Supervisor Antonovich’s additional recommendation, seconded by Supervisor Antonovich, was unanimously carried.

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Later in the meeting, on motion of Supervisor Antonovich and by common consent, there being no objection, the Board reconsidered the foregoing motion.

Supervisor Antonovich made the following statement:

“Earlier today the Board of Supervisors voted to approve Supervisor Yaroslavsky’s motion relative to hauled water. The Board’s action included a change to my amendment, the effect of which is that the original motion contains a provision to which I object.

“Supervisor Yaroslavsky’s original motion contains the following provision:

‘...that this report include recommended procedures to ensure consistent enforcement of the joint policy by all involved departments. These procedures should clarify that hauled water may only be used during construction, and should include provisions for enforcement of this policy once construction is complete.’

“My amendment to Supervisor Yaroslavsky’s motion revised this provision to read:

‘...that this report include recommended procedures to ensure consistent enforcement of the joint policy by all involved departments.’

“The action of the Board is objectionable for the following reasons:

- It represents an endorsement by the Board of Supervisors of a policy that was enacted by the Department of Health Services with little public input;
- Recent input from community meetings in the Antelope Valley indicates there is substantial public opposition to the existing hauled water policy;

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- Today's memorandum from the Department of Health Services has acknowledged that its legitimate concerns about health and safety can be addressed by the installation of a common filtration device between a water storage tank and a home;
- The Departments of Health Services, Public Works, Fire, Regional Planning and the County Counsel are working in a collaborative fashion to formulate a compromise policy on hauled water. Adoption of Supervisor Yaroslavsky's motion would preclude further revising the hauled water policy to reflect the information contained in the Department's memorandum; and
- Precluding the use of hauled water for new development across substantial regions of the Antelope Valley may subject the County to hundreds of claims of inverse condemnation."

Therefore, Supervisor Antonovich made a motion that the Board reconsider his original motion to:

1. Revise Supervisor Yaroslavsky's original recommendation number two, to read:

Include in the report procedures to ensure consistent enforcement of the joint policy by all involved departments;
and

2. Add an additional recommendation to read:

The Department of Health Services, working with representatives of the Departments of Regional Planning, Public Works, Fire, and the County Counsel to conduct at least two community meetings to discuss any proposed changes to the County's hauled water policy, with the Department of Health Services to provide advance written notice to the general public a minimum of fifteen days in advance of these hearings.

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After discussion, Supervisor Yaroslavsky made a substitute motion, seconded by Supervisor Molina, to amend Supervisor Antonovich's motion, to delete Supervisor Antonovich's item number one, which would have deleted the second sentence of item number two in Supervisor Yaroslavsky's original motion. Said substitute motion was duly carried by the following vote: Ayes: Supervisors Molina, Burke, Yaroslavsky and Knabe; Noes: Supervisor Antonovich.

After further discussion, Supervisor Yaroslavsky made a motion, seconded by Supervisor Knabe, that the Board take the following actions:

1. Instruct the Directors of Health Services, Public Works and Planning, the Fire Chief and County Counsel to report back to the Board within 30 days on a joint policy concerning hauled water, including consideration of hauled water's implications for public health, fire safety and orderly development; and include the following information in the report:
 - a. Procedures to ensure consistent enforcement of the joint policy by all involved departments, with procedures to clarify that hauled water may only be used during construction, and include provisions for enforcement of this policy once construction is complete;
 - b. Recommendations to exempt existing residences utilizing hauled water from this requirement as is consistent with the Health Department's water availability policy dated January 1, 2003; and
 - c. Recommendations for any amendments to the Health and Safety, Fire, Building or Zoning Codes necessary to ensure that all departments are acting in a consistent manner; and

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2. Instruct the Director of Health Services, in cooperation with representatives of the Departments of Regional Planning, Public Works, Fire, and the County Counsel, to conduct at least two community meetings to discuss any proposed changes to the County's hauled water policy, with the Director of Health Services to provide advance written notice to the general public a minimum of fifteen days in advance of these hearings.

Said motion was duly carried by the following vote: Ayes: Supervisors Molina, Burke, Yaroslavsky and Knabe; Noes: Supervisor Antonovich.

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Copies distributed:

Each Supervisor

Chief Administrative Officer